

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PATRICIA COTTEN, et al.,

Plaintiffs,

No. 04-CV-73508-DT

vs.

Hon. Gerald E. Rosen

SHERRY BURT, et al.,

Defendants.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND DISMISSING PLAINTIFF'S COMPLAINT

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on May 8, 2009

PRESENT: Honorable Gerald E. Rosen
Chief Judge, United States District Court

This Section 1983 prisoner civil rights matter having come before the Court on the April 21, 2009 Report and Recommendation of United States Magistrate Mona K. Majzoub recommending that the Court grant the motion for summary judgment filed by Defendants Sherry Burt, Sherman Campbell and Francine Powell,¹ and that Plaintiffs' Complaint be dismissed in its entirety; and Plaintiffs having timely filed objections to the Magistrate Judge's Report and Recommendation; and the Court having reviewed the Magistrate Judge's Report and Recommendation, Plaintiffs' Objections, and the Court's entire file of this action,

¹ Defendants Burt, Campbell and Powell are the only remaining defendants in this action.

and having concluded that, for the reasons stated in the Report and Recommendation, Defendants' motion should be granted and this case should, accordingly be dismissed in its entirety; and the Court being otherwise fully advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation of April 21, 2009 [Dkt. #128] be, and hereby is, adopted by this Court.

IT IS FURTHER ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, Defendants' January 21, 2009 Motion for Summary Judgment [Dkt. # 120] be, and hereby is, GRANTED. Accordingly, Plaintiff's Complaint is DISMISSED in its entirety with prejudice.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: May 8, 2009

I **CERTIFICATE OF SERVICE**

I hereby certify that on May 8, 2009, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:
Clifton B. Schneider

, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants:

Patricia Cotten, 27501 Abington, Southfield, MI 48076; James Scott, #124522, Ryan Correctional Facility, 17600 Ryan Road, Detroit, MI 48212.

s/Ruth A. Brissaud
Ruth A. Brissaud, Case Manager
(313) 234-5137